

The Examiner notes that claims 10 and 11 add the limitation that “said character is unable to fight using said weapon in the moving mode.” However, the specification at page 9, first two paragraphs, clearly teach this feature. Specifically, it is taught that in the moving mode, the character cannot grasp the weapon. This is clear support and, accordingly, the rejection should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieder (5,769,718). The Examiner has substantially repeated his prior rejection, and has added additional comment with regard to the limitation in the claim related to restricting switching the background images from start to finish of an **operational mode**. This rejection is traversed.

Applicant appreciates the Examiner’s submission of additional materials related to Street Fighter, but respectfully submits that nothing in the added materials teaches the restriction of switching of background images from start to finish of an **operational mode**. In the present invention, two modes are considered, a **fighting mode** and a **moving mode**. Such different operational modes exist during a single game. An entire game is not an “operational mode” as that term is defined and used by applicant in the present application.

The support for the above language in the specification may be found at pages 9 and 10 of the application, where the focus of the teaching is on a **moving mode** and **fighting mode** for a character. The application teaches that a background image is generated on the basis of background image data stored on a CDR and downloaded into memory. The data is used when an operational mode is put into a **moving mode**, and where the character enters a scene to scene boundary, the CDR must provide new background image data for the new scene, requiring a CDR reading time. However, when the operational mode is a **fighting mode** and the character enters a scene to scene boundary, the scene is not switched and the background remains the same, thereby avoiding the need for reading the CDR. This permits the game to avoid delays, caused by reading the CDR, particularly during the most intense activity of the game, the fighting scenes. This limitation on changing background during an operational mode is simply not taught in Street Fighter.

In a telephone conversation with the Examiner on January 8, 2003, the Examiner explained that he read the term “operational mode” to be reflecting an entire game from beginning to end. The “background” is restricted from beginning to end during a fighting mode, even though scenes may change.

However, such a broad interpretation is not warranted and, in fact, is inconsistent with the language of the claim requiring “plural operational modes” in a single game. In other words, an entire game cannot serve as a single operational mode. Applicant respectfully submits that a feature of a game where there are plural “operational modes”, such as moving and fighting, and the background switching is restricted in only certain of the different modes, as claimed, is not contemplated by Street Fighter.

Further, Applicant respectfully requests the Examiner to point out how Street Fighter has (1) plural operational modes and (2) restricts background during a predetermined particular mode. In the absence of specific teachings in written documentation, this rejection should be overcome.

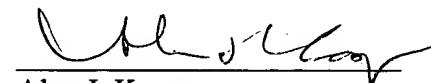
Moreover, the Examiners unsupported allegations that the limitations of claims 3 and 6, and 10 and 11 are “notoriously well known in the gaming industry” is challenged. The Examiner has not identified any teaching in any art where these features are taught, and in particular, has not identified any teaching in the art where the claimed combination is found.

Applicant respectfully submits that with proper interpretation and attention to all of the limitations in the claims, the Examiner must conclude that the prior art does not teach the claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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